

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH BANGALORE

DATED THIS THE 3rd MARCH 1987

Present : Hon'ble Sri Ch. Ramakrishna Rao - Member (J)

Hon'ble Sri L.H.A. Rego - Member (A)

APPLICATION No. 1967/86

M.H. Shiggavi

- Applicant

(Sri G.A. Nadgir, Advocate)

1. Assistant Controller of Stores  
General Stores Depot,  
South Central Railway, Hubli
2. District Controller of Stores,  
General Stores Depot  
S.C. Railway, Hubli
3. The Chief Personnel Officer  
Office of the General Manager  
South Central Railway, Secunderabad - Respondents

(Sri M. Sreerangaiah, Advocate)

This application came up for hearing before  
this Tribunal and Hon'ble Sri Ch. Ramakrishna Rao,  
Member (J) to-day made the following order

O R D E R

Proceedings were initiated against the applicant  
by the Assistant Controller of Stores, SCR, Hubli ('R1')  
under Rule 9 of the Railway Servants (Discipline & Appeal)  
Rules, 1968 ('Rules') for theft of railway property.  
These proceedings culminated in the order of removal  
from service passed by R1. The applicant filed an appeal

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before the District Controller of Stores, SCR, Hubli ('R2') and the same was rejected. Thereafter, the applicant filed a revision petition before the Chief Personnel Officer, SCR, Secunderabad ('R3'), who also confirmed the penalty imposed by R1. Aggrieved by these orders the applicant has filed this application.

2. The contention, in the main, of Shri G.A. Nadgir, learned counsel for the applicant, is that the orders passed by the appellate authority (R2) and ~~order of~~ *order of* the revisional authority (R3) are not speaking orders and they are, therefore, liable to be set aside.

Shri M.S.Sreerangaiah, learned counsel for the ~~xxx~~ respondents, submits that the orders passed by R2 and R3 should be read with the order passed by R1 and other relevant material on record and not viewed in isolation.

3. We have considered the rival contentions carefully. The Supreme Court in Ram Chander v Union of India AIR 1986 SC 1173 has recently observed:

"We wish to emphasize that reasoned decisions by tribunals, such as the Railway Board in the present case, will promote public confidence in the administrative process. An objective consideration is possible only if the delinquent servant is heard and given a chance to satisfy the Authority regarding the final orders that may be ~~x~~ passed on his appeal. Considerations of fair-play and justice also require that such a personal hearing should be given."

In view of the observations of the Supreme Court extracted above, the orders passed by R2 & R3 cannot stand. Accordingly, we set aside the same.

4. We direct the appellate authority (R2) to dispose of

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the appeal by a reasoned order after considering the matter afresh and after affording a personal hearing to the applicant, within three months from the date of receipt of this order. If the applicant is aggrieved by such order, he is at liberty to prefer a revision petition to the revisional authority (R3) who will also dispose of the same <sup>and</sup> within 3 months after compliance with the dicta of the Supreme Court observations cited supra. If the applicant is still aggrieved by the order of R2 and R3, he is at liberty to move the Tribunal.

5. In the result the application is disposed of subject to the directions given above. No order as to costs.



Member (J)

  
Member (AM)

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